

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSHUA SIMON, et al.,
Plaintiffs,

v.

CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. 22-cv-05541-JST

**ORDER REQUESTING
SUPPLEMENTAL BRIEFING**

Re: ECF Nos. 53, 54

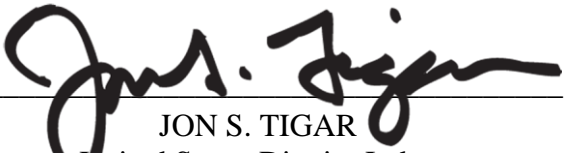
On October 7, 2022, Plaintiffs David Barber, Josue Bonilla, and Joshua Simon filed a motion for preliminary injunction, seeking to enjoin Defendants City and County of San Francisco and Paul Miyamoto, in his official capacity as San Francisco Sheriff, “from imposing and enforcing the Sheriff’s Electronic Monitoring Program Rules 5 and 13.” ECF No. 22 at 6. The Court took Plaintiffs’ motion under submission on February 2, 2023. ECF No. 48.

On May 3, 2023, Defendants filed an administrative motion for leave to file a declaration of Undersheriff Katherine Johnson on the Superior Court’s revision to the pretrial electronic monitoring program order in opposition to Plaintiffs’ motion for preliminary injunction. ECF No. 53. Plaintiffs filed an opposition to the administrative motion in which they indicated that they “d[id] not object to the inclusion of these documents in the record.” ECF No. 54 at 2. Nonetheless, Plaintiffs called their document an “opposition” because they “oppose Defendants’ inaccurate and incomplete description of the[] impact” of the revisions to the pretrial electronic monitoring program order. *Id.* Plaintiffs’ opposition “detail[s] the significance of the proposed changes and emphasize[s] that [the changes] have no impact on the viability of Plaintiffs’ claims or their entitlement to preliminary relief.” Court granted Defendants’ administrative motion to include the new Johnson declaration. ECF No. 55.

1 Plaintiffs' brief makes arguments, not previously before the Court, regarding the effect, if
2 any, the Johnson declaration has on Plaintiffs' claims for relief. To complete the record,
3 Defendant shall file a brief of not more than eight pages in response, by May 19, 2023. Plaintiffs
4 shall file a reply to Defendants' responsive brief of not more than eight pages, by May 26, 2023.

5 **IT IS SO ORDERED.**

6 Dated: May 12, 2023

7 
8 JON S. TIGAR
United States District Judge